

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:	)	
	)	Case No. 02-16172
	)	(Jointly Administered)
LEVEL PROPANE GASES, INC., et al.,	)	
	)	Chapter 11
Debtors.	)	
	)	Bankruptcy Judge Randolph Baxter
	)	
WILLIAM MALOOF,	)	Case No. 1:05-CV-01028
	)	
Appellant,	)	JUDGE ANN ALDRICH
	)	
v.	)	
	)	<u>MEMORANDUM &amp; ORDER</u>
LEVEL PROPANE GASES, INC., et al.,	)	
	)	
Appellees.	)	
	)	

Appellant William Maloof (“Maloof”) appeals the December 27, 2004 order of the bankruptcy court denying his motion for order to show cause in this matter. Maloof’s motion, filed in October 2004, sought an order to show cause against three individuals – William Schonberg, Michael Primrose and H. Jeffrey Schwartz – because of alleged fraud and other wrongful conduct during the course of the underlying bankruptcy proceedings. At no time did Maloof present any evidence supporting his allegations to the bankruptcy court, and at no time did Maloof explain to the bankruptcy court why a motion for order to show cause would be the proper remedy for such alleged conduct.

On appeal, this court reviews the bankruptcy court’s findings of fact only for clear error, giving deference to the bankruptcy court’s factual findings. Fed. R. Bankr. P. 8013; *Boone Coal & Timber Co. v. Polan*, 787 F.2d 1056, 1062 (6th Cir. 1986). The bankruptcy court’s conclusions of law are subject to *de novo* review. *Polan*, 787 F.2d at 1062. While the court must liberally construe Maloof’s pleadings

as a *pro se* litigant, the court is not bound to ignore the law or the facts in doing so. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

In this matter, even if Maloof's allegations of wrongful conduct were true – and the court stresses that there is *absolutely no* evidence in the record to support those allegations – a motion for an order to show cause is not the proper remedy for such conduct. The bankruptcy court therefore properly denied Maloof's motion on the numerous grounds listed in its December 27 order, and therefore this court affirms the bankruptcy court and dismisses this case. Maloof's motion for oral argument [Docket No. 8] is denied as moot.

IT IS SO ORDERED.

/s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

**Dated: June 20, 2007**